

Packet 1530

Petition for Guardianship

Effective July 1, 2011 – There will be a \$15.00 Processing Fee

PLEASE NOTE: This packet is designed to help pro se litigants with juvenile guardianship procedures. While the information contained in this packet is about legal issues, it is **not legal advice**. The packet is not a substitute for legal advice from an attorney and the Courts will not be lenient towards you simply because you are representing yourself.

Every effort has been made to provide packets with forms and procedures that are current. However, because of the rapidly changing nature of the law, there is no guarantee of the accuracy or reliability of every form or process identified within the packet. Some forms and procedures may be obsolete or in the process of revision.

If you have questions that this packet does not answer, it is in your best interest to speak to an attorney.

Extra copies of forms designated for guardianship or reversal of guardianship are available online at:
<http://county.milwaukee.gov/ClerkofCircuitCourtC10485.htm> . Use the tab under **Court Services for Children's Court Division > Juvenile Forms**

Packet Contents

Instructions

Forms

- Petition for Guardianship of Minor **GN-3290**
- Uniform Child Custody Jurisdiction and Enforcement Act Affidavit **GF-150**
- Statement of Acts by Proposed Guardian and Consent to Serve as Guardian **GN-3140**
- Minor Guardianship Questionnaire
- Affidavit of Service **GN-3120**
- Petition for Review and Modification or Termination of Guardianship **GN-3650**

Packet 1530 Instructions and Overview

Petition for Guardianship

This information is to help you begin a petition for guardianship. It is always better to have an attorney help you because there are questions and legal issues that can come up in any case. **When using these forms, you are acting as your own lawyer. You have to do everything a lawyer would do: fill out the forms, file the case with the Clerk of Courts, have a date scheduled with the Clerk of Courts, arrange for service on the other person, gather all necessary information, appear at the hearing, and present any evidence. Courthouse employees can answer questions about procedures, but they CANNOT fill in your forms, give you answers for the forms, handle your case or give you legal advice. That is an attorney's job. These materials are NOT a substitute for legal advice.**

Documents to be Prepared

Complete the:

- ✓ **Petition Temporary Guardianship and/or Permanent Guardianship of a Minor [Form GN-3290]**
- ✓ **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit [Form GF-150], Statement of Acts by Proposed Guardian and Consent to Serve as Guardian [Form GN-3140]**
- ✓ **Minor Guardianship Questionnaire**

****If you are terminating a Guardianship you will need:**

- ✓ **Petition for Review and Modification or Termination of Guardianship [Form GN-3650]**

Always **PRINT** the required information. Print means to type, word process or hand print using BLOCK LETTERS. **NEVER USE PENCIL.** Always use black ink.

Follow the sample that is provided in this packet. Wisconsin law requires that the minor child (the proposed ward) for whom you are petitioning either be a resident of Milwaukee County or be present in Milwaukee County. See sec. 54.30(2), Wis. Stats. Parents of the child or children who are the subject of your petition must be notified of the court date. It is important that you provide the Clerk of Courts office with the name(s) and address(es) of the mother and the father of the child or children. The Clerk of Courts will use this information to print a summons for each party on the case who must be notified of the hearing date. You, as the petitioner, are responsible for having the parties (usually the parents) served with the summons.

PLEASE READ BEFORE FILLING OUT THE PAPERWORK!!!

Please note that a:

Temporary Guardianship is valid for 60 days, with a one-time renewal of 60 days. Permanent Guardianship is good until the child reaches the age of 18, unless the case is brought back to court and reversed or terminated by the judge.

The petition is your request to initiate guardianship of the minor.

Please note that all forms need to be completed **BEFORE** scheduling a review hearing with the staff attorney. **DO NOT sign the petition.** The Clerk of Courts staff will notarize your signature at the time of filing as long as you have your photo ID. **After completing all of the forms, call 414-257-5181 to schedule a review.**

Review

On your scheduled review date, you will need to bring the following:

- 1.) Your completed documents.
- 2.) Your photo ID. (Valid Driver's license (any state), Valid State ID Card (any state), Military ID, or Valid Passport)
- 3.) **\$15.00 processing fee (cash, check or money order only)**

On your scheduled review date, you will report to the:

Vel R Phillips Juvenile Justice Center
10201 West Watertown Plank Road
Wauwatosa, WI 53226

On your scheduled review date you will:

- 1.) Meet with the Family/CC Paralegal in **Room 2405** for an initial review of your paperwork.
- 2.) Meet with the Staff Attorney in **Room 1630**. The Staff Attorney will review your paperwork and determine the urgency for a court hearing.

Your guardianship petition will be scheduled in front of a judge within 60 days. The judge will decide whether or not to grant your petition. State law requires that a guardian ad litem (an attorney) be appointed to represent the best interests of the child(ren). The guardian ad litem **is not** your attorney.

Please note:

- The Staff Attorney is not your attorney and cannot give you legal advice.
- The Clerk of Courts staff cannot give you legal advice.
- The Petitioner is the responsible party to fill out the paperwork. If you need assistance filling out the forms, seek the advice of an attorney.
- Your review date is not a court hearing. Only the petitioner will be meeting with the Staff Attorney. You should not bring witnesses or evidence.

PLEASE READ BEFORE FILLING OUT THE PAPERWORK!!!

- Make sure that all of your forms are filled out before you arrive.
- **Children should not be brought on your review date.** If you are unable to find child care, please bring another adult to watch the child(ren) while you are meeting with the Staff Attorney.

After you meet with the Staff Attorney, you will file your completed petition with the Clerk of Courts office. After you file your petition, the Clerk of Courts office staff will give you the printed summons, along with written instructions about service of process.

Personal Service

1. Personal Service means getting the summons and petition into the other person's hands in a legally defined way to notify him or her of the hearing.
2. You must have a written "Affidavit of Service" when you come to court. This will prove to the court that all parties were notified of the court hearing (time and place).
3. You are responsible for finding someone to hand the documents to the person needing service.
4. The server must be over the age of 18, a resident of Wisconsin and they cannot be a party to the action.
5. You CANNOT be the process server.
6. The server must personally hand a copy of the petition and the summons to the person being served.
7. Personal Service **MUST** be done within **10 DAYS** prior to the hearing.
8. If the other person is not properly notified, your hearing could be dismissed.
9. The server will then fill out the "Affidavit of Service and have their signature notarized.
10. Persons that must be served:
 - a. Child, if over 14 years of age.
 - b. Parents.
 - c. Any person that has legal or physical custody.
 - d. BMCW, if they are involved with the child.

Attending the Hearing

1. **Bring along your copy of the petition and summons and the affidavit of service.**
2. Go to the appointed place a half-hour ahead of time and inform the Branch clerk of your arrival and have a seat in the lobby.
3. When your case is called, go into the courtroom and have a seat. Do not interrupt the judge, commissioner, or any other person when he/she is talking.
4. You will receive a written copy of the order appointing your guardian after the hearing.